

CHAPTER 3¹ DRIVEWAYS & RIGHT-OF-WAYS

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3.01 CULTIVATION AND LANDSCAPING

(1) No person may cultivate, plant, harvest, or maintain agricultural crops, trees, or shrubs within a right-of-way.

(2) No person may cultivate, plant or maintain grasses, flowers, or other vegetative plants in any manner that obstructs the visibility of the highway by highway users.

(3) Right-of-way enhancements may be allowed by Town Board approval. Submittal of landscape plans would be required.

3.02 ALTERATION OF GRADE. No person may alter or change the depth or contour of any portion of any ditch or embankment in the right-of-way without a written permit issued by the Town Board or their designee. Drainage ditch improvements, grades, side slopes shall be 3:1 maximum.

3.03 MAILBOXES, SIGNS, AND NEWSPAPER BOXES.

(1) No sign of any nature may be placed or allowed to remain in any right-of-way except an official traffic sign placed by a governmental authority and except other signage permitted by the Wisconsin Administrative Code.

¹ Chapter 3 Repealed and Recreated January 2,2012 by Ordinance 5 2011/2012.

(2) Mailboxes and newspaper boxes are permitted within a right-of-way if the installation complies with all requirements of the U.S. Postal Service and guidelines if the Wisconsin Department of Transportation.

3.04 OTHER OBSTRUCTIONS. No person may place, maintain, or allow any obstruction in a right-of-way other than those specifically permitted by this Ordinance, by other laws, or by a written permit issued by the Town Board or their designee.

The Town of Sheboygan Falls prohibits depositing snow or any other obstructions on all public streets as follows:

(1) Prohibition. No person shall remove or cause to be removed any snow, ice or obstructions of any type from the premises owned or occupied by that person or from any residence, parking lot, parking area, business property or other property owned or occupied by said person, by placing the said obstruction onto the traveled portion of any public right-of-way, including shoulders. Snow removed shall not be stored in any manner which shall obstruct or limit vehicular or pedestrian vision, movement or access.

(2) Removal Required. No person shall deposit any obstruction upon the traveled portion of any road or street of the Town of Sheboygan Falls. It is hereby declared that any obstruction so deposited in the traveled portion of any Town right-of-way is a public nuisance. In addition to the penalties provided for in Section 3.09 of the Town Code, the Town of Sheboygan Falls may remove any obstruction so deposited and cause the cost of said removal to be charged to the owner of the property from which the obstruction was removed, and upon failure to pay the same said may be charged as a special charge under Wis. Stat. Section 66.0627 upon the tax bill of the affected property.

3.05 REGULATION OF PRIVATE CULVERTS. Any adjoining land owner or tenant may install a culvert in the right-of-way if all applicable local, County, and State regulations and policies have been observed, payment of a permit fee, and issuance of a written permit by the Town Board or their designee. The individual property owner shall pay the total cost of all culverts.

(1) No culvert shall impede any other drainage course. Drainage problems resulting from improper or inadequate culvert placement or maintenance shall be the sole responsibility and liability of the landowner.

(2) Culverts must meet DOT Standards. Only galvanized steel, corrugated polyethylene pipe (HDPE) meeting AASHTO M 294 type S specifications, or reinforced concrete culvert pipe and endwalls shall be used for installations in the Town. The minimum length of any installation shall be twenty-

four (24) feet of actual culvert pipe and a maximum length of thirty-six (36) feet of actual culvert pipe. The minimum diameter shall be fifteen (15") inches. Other installations may be made in excess of thirty-six (36) feet only on the permission of the Town Board and only under conditions set for the installation by the Board. Any variation from these requirements must be approved by the Town Board before placement.

(3) Installation Requirements

(a) Platted subdivisions must follow the Master Site Grading Plan. The Town Engineer must set all culvert elevation and locations within platted areas. The fee for Town Engineer to do so shall be included in the Town of Sheboygan Falls Right-of-way Fee Schedule on file with the Town Clerk. The fee for culvert installations outside platted areas shall be included in the Town of Sheboygan Falls Right-of-Way Fee Schedule. The Town Board shall have authority to amend the fee schedule related to right-of-way permits from time to time by Town Board resolution.

(b) All property zoned commercial or industrial shall follow the Grading Site Plan

(c) To protect the culvert from crushing, breaking, or bending or any other damage, it is required that a minimum of eight (8) inches of crushed rock or gravel be placed on the top of the culvert.

(d) In the event eight (8) inches of cover would bring the grade level too high, the installation of an arch (oval culvert pipe) may be required by the Town Board or its designee.

(e) Bedding and filling around the pipe and bedding and filling beneath the pipe shall be done with crushed rock, stone, gravel, or other material approved by the Town Board or its designee, but in no event shall dirt, clay, or other loose ground be used.

(4) After the culvert installation is complete, the driveway shall be at least four (4) inches below the grade of the adjacent highway pavement at a point six (6) feet from the edge of the pavement so that water either from the roadway or the driveway will be diverted into the ditch.

3.06 DRIVEWAYS.

(1) Permit Required. No person or business entity shall construct, reconstruct, pave, alter or enlarge any private driveway; or install, reinstall, replace, or move a culvert within the Town without first obtaining a driveway permit as required in this chapter. Where a new driveway is to be constructed in

conjunction with the construction of a new principal structure, this driveway permit shall be issued along with the building permit. Payment of the fees is a requisite to permit issuance. The fee for the permit required hereunder shall be included in the Town of Sheboygan Falls Right-of-way Fee schedule on file with the Town Clerk. The Town Board shall have authority to amend the fee schedule related to right-of-way permits from time to time by Town Board resolution.

(2) Application. Application for a driveway permit shall be made in writing upon forms issued by the Town Clerk and shall be accompanied by a drawing accurately depicting the proposed driveway to be constructed, reconstructed, altered, or enlarged. The drawing shall identify the following:

- (a) The location of existing and proposed improvements, including driveway width;
- (b) Building setbacks from all lot lines; and
- (c) Road names and roadway right-of-way widths;

(3) General Requirements. The location, design, and construction of driveways shall be consistent with the following requirements:

- (a) Driveways shall intersect the public road at right angles from the property line;
- (b) Driveways longer than 300 feet shall include an adequate turnaround space at end for emergency vehicles;
- (c) Driveways sub base shall be constructed of solid material covering a minimum of a 12 feet in width and 12 inches in depth to support emergency vehicles year round.

(4) Temporary Driveways. Temporary driveways may be allowed but must be approved by the Town Board prior to placement. The Town Board may set limits on such driveways. Temporary driveway fees shall be the same as the regular driveway included on the Town of Sheboygan Falls Right-of-way fee schedule on file with the Town Clerk.

3.07 COMMERCIAL PARKING REQUIREMENTS.

Every building hereafter erected or structurally altered shall provide motor vehicle parking space with hard usable surface off the public street in the minimum ratio of 240 square feet of parking area for each person employed on the premises, together with provisions for ingress to the public street or alley.

3.08 REGULATION OF EXCAVATIONS.

(1) Permit Required. No person or corporation, either individually or by its agents, shall make any excavation or fill or install or otherwise make any improvement, obstruction, alteration or in any manner disturb any Town road, right-of-way or public place, without first obtaining a permit therefore from the Town Board or its designee.

(2) Application. Application for said permit shall be in writing and shall contain a statement that the work shall be performed subject to such rules and regulations as may be prescribed by the Town Board, and that the same shall be completed and performed to the satisfaction of the Town.

(3) Appeal for Permit. Any applicant who has been denied a permit or has incurred unreasonable delay in the issuance of a permit may appeal to the full Town Board for final determination on the application.

(4) Liability for Restoration. The permittee shall be liable to the Town for any and all damages which may occur during the process of work within a Town road, right-of-way or public place and a statement to save the Town harmless shall be contained in the application and any permit issued.

(5) The permittee or its agents must take all necessary precautions to guard the public against accidents or trespassing for the duration of the project. The permittee must place proper and sufficient barriers and guards around the worksite, and must place lamps around obstructions at night to warn the public of hazardous conditions.

(6) The permittee must remove and dispose of all debris and repair and restore the work area to pre-excavation condition, including curbs, gutters, sidewalks, pavement, shoulder, drainage ways, and vegetation cover.

(7) Violation. Any person or entity who violates the provisions of this Ordinance by failing to obtain the necessary permit or by failing to carry out the restoration requirements of the permit shall be subject punishment by forfeiture of not less than Fifty Dollars(\$50.00) nor more than Two Hundred Dollars(\$200.00). Plus any costs of enforcement, remediation and restoration. Furthermore, violations shall be considered a public nuisance subject to injunctive action by the Town. Each day of continued violation after written notice of said violation shall constitute a separate and individual offense and violation.

(8) Conditions. As a prerequisite to the granting of the permit required hereunder, the Town may impose any of the conditions described in Wis. Stat., Sec 66.0425(2), unless the applicant is exempt from such conditions under Wis. Stat., Sec 66.0425(6).

(9) Above-Ground Obstructions. No above-ground obstructions or improvements, such as but not limited to, substations, pad-mounted

transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes shall be located in any Town road or other public right-of-way unless, solely in the case of a telecommunications carrier, utility or other exempt organization under Wis. Stat., Sec 66.0425(6), the applicant demonstrates that it is not practical to locate such equipment elsewhere and the Town Board is satisfied that the proposed improvement will not unduly impair safety of vehicular traffic by creating a sight line obstruction, limit sidewalk access or interfere with snow plowing and snow removal. Such equipment shall, in any event, be located only in the furthest lateral extremity of the right-of-way.

(10) The fee for the permit required hereunder shall be included in the Town of Sheboygan Falls Right-of-way Fee schedule on file with the Town Clerk. The Town Board shall have authority to amend the fee schedule related to right-of-way permits from time to time by Town Board resolution. In addition, the applicant shall reimburse the Town's expenses for gathering and recording information relevant to the requested permit, issuing permits, processing and verifying permit applications and inspecting job sites, to the extent that such costs exceed the permit fee.

3.09 PENALTIES.

(1) Correction Order. Upon being informed of a violation of this Ordinance, the Town Board or their designee shall notify the adjoining land owner or tenant of the violation in writing and shall order removal and correction of the violation within thirty (30) days. If the Town Board determines that the degree of hazard constitutes an emergency risk to public safety, the Town Board or their designee may immediately correct the violation after diligent attempts (phone contact and/or personal visits) to notify the adjoining owner or tenant.

(2) Failure to Comply. If compliance with the correction order is not made by the deadline set, the violator shall be subject to a forfeiture of not less than Ten Dollars (\$10.00) and not more than Five Hundred Dollars (\$500.00) per day of the violation retroactive to the date the violator received the correction order. In addition, the Town Board may then make the necessary arrangements for removal and correction of the violation. All expenses of correction, including reasonable attorney's fees, shall be billed to the violator. Town costs may be levied as special charges against the affected property pursuant to Wisconsin State Statutes Sec 66.0627.

3.10 DEFINITIONS.

(1) "Designee" means the Town Board Chairperson, Town Board Supervisors, Town Clerk, Town Constables.

(2) "Driveway" means any private way, private road, or other venue of private parcel that runs through any part of a private parcel of land that connects

or will connect with any public highway, and will provide vehicular access from the highway to a residence, business, recreational site, or other similarly appropriate use.

(3) "Emergency vehicle" means any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the town.

(4) "Highway" means all town roads, highways, and bridges located within the Town of Sheboygan Falls and over which the Town has jurisdiction. This includes all lands within the right-of-way, whether paved or unpaved.

(5) "Obstruction" means all materials placed within the right-of-way without a written permit issued by the Town Board or their designee that may impede the flow of drainage water, obstruct visibility of highway users, increase the risk of injury to a highway user who collides with the material, or interfere with highway maintenance operations, including the ability of Town employees or agents to access or occupy any portion of the right-of-way. As illustrations, obstructions include snow, stones or rocks, railroad ties, landscape timbers, other decorative landscaping; fences, garbage, rubbish, refuse, or other discarded materials, all agricultural crops regardless of height; and trees, shrubs, bushes, and other decorative plantings that extend above the natural or established grade by more than six (6) inches.

(6) "Right-of-way" means the full extent of the lands acquired for highway purposes, regardless of how acquired.

Town of Sheboygan Falls Right-of-way Fee Schedule

Culvert Permit (platted areas)	\$100.00
Culvert Permit (unplatted areas)	50.00
Driveway Permit	50.00
Excavation Permit	50.00